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Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 HA-05 IO-13 CIAE-00 DODE-00 PM-05
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
SP-02 SS-15 USIA-06 TRSE-00 MCT-01 SSM-03 /079 W
----------023075 281804Z /43
R 281353Z DEC 77
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 207
INFO AMCONSUL JERUSALEM

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E. O. 11652: N/A
TAGS: SHUM PINS IS
SUBJ: HUMAN RIGHTS: CASE OF HARBI HASSAN MUSTAFA EL HUDUR

REF.: TEL AVIV 10916

1. GONEN OF MFA PROVIDED EMBOFF WITH FOLLOWING WRITTEN RESPONSE IN THE CASE OF WEST BANK RESIDENT HARBI HASSAN MUSTAFA EL HUDUR, ARRESTED JULY 29, 1976:

BEGIN QUOTE:

IT MUST BE CLEAR THAT THE MILITARY AUTHORITIES DO NOT RESORT TO SEALING OR DEMOLITION OF PROPERTY UNLESS THERE IS CONVINCING EVIDENCE AND CAREFUL INVESTIGATION AND DETERMINATION OF ALL THE FACTS OF EVERY INDIVIDUAL CASE.

IN THIS PARTICULAR CASE, THE HOUSE OF HARBI HASSAN MUSTAFA EL HUDUR WAS SEALED OFF DUE TO HIS CONFESSION OF BEING AN ACTIVE MEMBER OF A TERRORIST GANG AND BEING THE CHIEF SUPPLIER OF EXPLOSIVES TO THE GANG WHICH CONSISTED OF FOUR MEMBERS WHO COMMITTED THE FOLLOWING
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ACTS OF SABOTAGE IN JERUSALEM:

1) MAY 25, 1976 - PLANTING OF EXPLOSIVES IN BUS NO. 12 IN JERUSALEM

2) JUNE 14, 1976 - PLANTING OF EXPLOSIVES IN BUS NO. 6 IN JERUSALEM

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3) JUNE 26, 1976 - PLANTING OF EXPLOSIVES IN THE CROWDED MARKET OF MACHNE YEHUDA IN JERUSALEM

4) JULY 15, 1976 - PLANTING OF EXPLOSIVES IN BUS NO. 9 IN JERUSALEM

5) JULY 21, 1977 - PLANTING OF EXPLOSIVES UNDER A PRIVATE CAR NEXT TO THE 'ORION' CINEMA, JERUSALEM.

H. HASSAN EL HUDUR WAS CAPTURED IN HIS HOUSE WHEN ASSEMBLING EXPLOSIVES FOR FURTHER ACTS OF SABOTAGE.

IN EACH CASE THE MILITARY AUTHORITIES REGARD DEMOLITON AND SEALING OFF OF HOUSES OR PROPERTY AS A SAD BUT UNAVOIDABLE NECESSITY. IT SHOULD BE REALIZED THAT THE MEASURE MUST BE TAKEN IN THE FACE OF INDIS-CRIMINATING TERRORISM CARRIED OUT AGAINST THE POPULA-TION OF THE ADMINISTERED TERRITORIES AND THE CIVILIAN POPULATION IN ISRAEL. REGULATION 119 OF THE DEFENSE (EMERGENCY) REGULATIONS 1945 PROVIDES THAT A MILITARY COMMANDER MAY ORDER THE FORFEITURE AND DESTRUCTION OF ANY PROPERTY FROM WHICH...ARMS OR AMMUNITION ARE STORED...OR HAS BEEN USED FOR SIMILAR SECURITY OFFENCES...

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MAY I ASSURE YOU THAT NO INNOCENT INHABITANT OF THE TERRITORIES IS AFFECTED BY SEALING OFF OF HOUSES OR DEMOLITONS. MR HARBI EL HUDAR WAS WELL ACQUAINTED WITH THE CONSEQUENCES THAT MIGHT ARISE FROM HIS ACTS OF SABOTAGE.

THE SEALING OFF OF THE PRIVATE WELL AT THE HOUSE HAS BEEN CARRIED OUT BY MISTAKE AND HAS BEEN IMMEDIATELY REOPENED FOR USE.
END QUOTE

2. GONEN NOTED ORALLY THAT ABOVE INFORMATION MAY BE CONVEYED BY DEPARTMENT TO INQUIRING PARTIES. LEWIS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Current Classification: UNCLASSIFIED
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977TELAV11185
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: UPGRADED PER MEMO P840110-1365
Executive Order: OA
Errors: N/A
Expiration:
Film Number: P840110-1368, D770483-0740
Format: TEL
From: TEL AVIV
Handling Restrictions: n/a
Image Path:
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Original Handling Restrictions: n/a
Original Previous Classification: UNCLASSIFIED
Original Previous Handling Restrictions: LOU
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LOU
Reference: 77 TEL AVIV 10916
Retention: 0
Review Action: RELEASED, APPROVED
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Review Date: 18-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 102783
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS: CASE OF HARBI HASSAN MUSTAFA EL HUDUR
TAGS: SHUM, PINS, IS, (EL-HUDUR, HARBI HASSAN MUSTAFA)
To: STATE JERUSALEM
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/b2e620fb-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009